

REMARKS

By this Amendment, Applicant amends claims 1-3, 10, 12, 14, 15, and 17-19, cancels claim 20 and adds claims 21-33. Thus, claims 1-19 and 21-33 are pending in this application. Support for claims 21-33 may be found at least in original claims 1-20; page 6, lines 1-14; and Fig. 1.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Thomas in the December 9 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks. Specifically, Applicant amends claims 1-3, 10, 12, 14, 15, and 17-19, cancels claim 20 and adds claims 21-33 to comply with the Examiner's helpful suggestions made during the interview.

The Office Action rejects claims 1-20 under 35 U.S.C. §101. Applicant respectfully traverses the rejection.

The Office Action alleges that claims 1-20 are not within the technological arts as required by §101. As discussed during the personal interview, independent claims 1, 17, and 19 are amended to recite features within the technological arts. Specifically, claim 1 is amended to recite, "at the end of the said predetermined duration, computing using data processor means a sum, the computed sum being computed as a function of the income earned by the investment made by the insurer and claims concerning the property." Claim 17 is amended to recite, "computing a sum using data processor means, the computed sum being computed as a function of the income earned by the investment and being greater than or equal to the initial sum." Claim 19 is amended to recite, "means for calculating the total of the premiums due during the duration of the contract, as a function of the nature of the property to be insured."

As a result, as discussed during the personal interview, independent claims 1, 17, and 19 and dependent claims 2-16 and 18 are "within the technological arts" as interpreted in, for

example, *Ex Parte Bowman*, 61 USPQ2d 1669 (BPAI 2001). Accordingly, Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 19 and 20 under 35 U.S.C. §102(a) over U.S. Patent 6,049,772 to Payne et al. (hereinafter "Payne"). Applicant respectfully traverses the rejection.

By this Amendment, Applicants cancel claim 20. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 20.

As discussed during the personal interview, Payne does not disclose, teach, or suggest insuring property, as recited in claim 19, because Payne is concerned with life insurance and annuities. Also as discussed during the personal interview, Payne does not disclose, teach, or suggest determining information based on the number of claims, as recited in claim 19, because no more than a single claim may be made in a life insurance policy or annuity contract.

Because Payne does not disclose, teach, or suggest insuring property or determining information based on the number of claims, claim 19 is patentable over Payne. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 19.

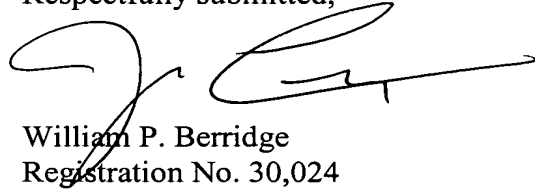
The Office Action rejects claims 1-18 under 35 U.S.C. §103(a) over Payne in view of *Barron's Dictionary of Insurance Terms*, 4ed. (2000) (hereinafter "Barron's"). Applicant respectfully traverses the rejection.

As discussed above, Payne does not disclose, teach, or suggest insuring property, as recited in claims 1 and 17 or determining information based on the number of claims, as recited in claim 1. Barron's does not make up for this deficiency of Payne. Accordingly, claims 1 and 17 are patentable over the combination of Payne and Barron's. Further, Applicant respectfully submits that claims 2-16 and 18 are patentable for at least the reasons that claims 1 and 17 are patentable, as well as for the additional features they recite. Thus, Applicant respectfully requests withdrawal of the rejection.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1-19 and 21-33.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JOC/tea

Attachment:
Petition for Extension of Time

Date: December 13, 2004

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